

## **REMARKS/ARGUMENTS**

This Response is responsive to the non-final Office action dated May 21, 2007, setting forth a shortened three month statutory period for reply with a one month extension of time expiring on September 21, 2007.

Prior to entry of this Response, claims 1-38 and 41-43 are pending in the application, with claims 1, 14, and 34 being independent claims. There are no amendments made to the claims in this response and therefore the pending claims remain the same.

### **I. Double Patenting Rejection**

Claims 1-38 and 41-43 are rejected as unpatentable over claims 1-34 and 62 of U.S. application No. 09/992,348 to Ellis (hereinafter "Ellis") on grounds of non-statutory double patenting rejection. To overcome the rejection, a terminal disclaimer is submitted with this Response.

### **II. Claim Rejections under 35 U.S.C. § 102**

Claims 1-3, 5-8, 10-13, and 41 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. patent No. 6,654,727 issued to Tilton (hereinafter "Tilton"). For at least the following reasons, the Assignee respectfully disagrees with these rejections.

The present application was filed on November 21, 2001. Tilton was filed on January 18, 2002, claiming priority to a provisional application filed on November 29, 2001. Accordingly, the earliest possible effective filing date of Tilton is November 29, 2001, eight days after the filing date of the present application. Accordingly, Tilton is not prior art under any sections of 35 U.S.C. § 102. Thus, claims 1-3, 5-8, 10-13, and 41 are patentable over Tilton, believed in form for allowance, and such indication is respectfully requested.

### **III. Claim Rejections under 35 U.S.C. § 103**

Claims 4, 9, 14-32, 34-38, 42, and 43 are rejected under 35 U.S.C. § 103(a) as unpatentable over Tilton in view of U.S. patent No. 6,684,196 issued to Mini et al. (hereinafter "Mini et al."). For at least the following reasons, Assignee respectfully disagrees with these rejections. As set forth above, Tilton is not prior art to the present application. Accordingly,

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claims 4, 9, 14-32, 34-38, 42, and 43 are patentable over the combination of Tilton and Mini, believed in form for allowance, and such indication is respectfully requested.

#### IV. Conclusion

In accordance with the arguments set forth herein, the Assignee respectfully submits the application and all claims are in a condition for allowance, and requests such prompt allowance.


The Applicant believes no fees or petitions, other than the \$120 fee for a one month extension of time and \$130 terminal disclaimer fee, are due with this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 as necessary.

If the Examiner should require any additional information or amendments, please contact the undersigned attorney.

Respectfully submitted,

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By



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